

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LLOYD F. AUDETTE,

Plaintiff,

v.

UMASS CORRECTIONAL HEALTH, a
Commonwealth Medical Program, and
DEPARTMENT OF CORRECTIONS, Kathleen M.
Dennehy, Commissioner,

Defendants.

CIVIL ACTION
NO. 05-10403-DPW

LOCAL RULE 16.1 JOINT STATEMENT

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(d), and as directed by the Court on July 12, 2005, plaintiff, Lloyd Audette (“Mr. Audette”), and defendants, UMass Correctional Health and Department of Corrections, Kathleen Dennehy, Commissioner (“Ms. Dennehy”), respectfully submit the following Joint Statement.

I. Proposed Pretrial Schedule

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(b), counsel for Mr. Audette, counsel for UMass Correctional Health, and counsel for Ms. Dennehy have conferred and agreed on the following proposed pretrial schedule:

| Event | Date |
|--|--------------------|
| Exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2 | September 30, 2005 |
| Plaintiff serve expert letter on defendants for referral to Commonwealth of Massachusetts Medical Malpractice Tribunal | October 14, 2005 |
| File all motions to amend the pleadings and add parties | January 16, 2006 |
| Complete all written discovery | March 31, 2006 |

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|--|---|
| Complete all non-expert depositions | June 19, 2006 or 160 days after ruling of medical malpractice tribunal, whichever is later |
| Plaintiff identifies trial expert(s) and serves initial expert report(s) | 30 days after close of fact discovery |
| Defendants identify trial expert(s) and serve initial expert reports | 60 days after close of fact discovery |
| Parties to file dispositive motions | 60 days after close of fact discovery |
| Plaintiff serves rebuttal expert report(s) | 90 days after close of fact discovery |
| Complete expert depositions | 150 days after close of fact discovery |
| Final pretrial conference | At convenience of the Court; the parties recommend 30 days after decision on dispositive motion(s), 180 days after close of fact discovery, if no motions are filed |

The parties further agree to the discovery limitations set forth in Local Rule 26.1(c). All depositions shall be completed within the time period set forth in Fed. R. Civ. P. 30(d)(2), unless otherwise ordered by the Court. The parties further agree that depositions will not be taken until such time as the Medical Malpractice Tribunal of the Superior Court has heard and ruled on this matter.

II. Settlement

Pursuant to Local Rule 16.1(c), Mr. Audette has presented a written settlement offer to the defendants. Counsel for the defendants have conferred with their clients regarding the subject of settlement. The parties have not reached any agreement on settlement of this matter.

III. Trial by Magistrate Judge

At present, none of the parties consents to a trial by a United States Magistrate Judge.

IV. Certification

The parties have filed certifications pursuant to Local Rule 16.1(d)(3) separately with the Court.

V. Other Matters

1. During the July 12, 2005 status conference before the Court, counsel for Mr. Audette requested leave to file a Motion to Amend Complaint no later than July 22, 2005, and this Court granted that request. On July 22, 2005, Mr. Audette filed his Motion to Amend Complaint, which added new individual defendants and clarified that Ms. Dennehy was being sued in her official and individual capacities. Mr. Audette respectfully requests that this Court enter an order allowing his Motion to Amend Complaint.

2. During the July 12, 2005 status conference before the Court, counsel for UMass Correctional Health requested that this matter be referred to the Commonwealth of Massachusetts Medical Malpractice Tribunal. Mr. Audette does not oppose this request, and counsel for Mr. Audette has informed counsel for UMass Correctional Health that they will deliver the required expert letter no later than October 14, 2005.

Respectfully submitted,
LLOYD F. AUDETTE,
By his attorneys,

/s/ Brandon L. Bigelow
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Dated: August 23, 2005

Respectfully submitted,
UMASS CORRECTIONAL HEALTH,
By its attorneys,

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Respectfully submitted,
**KATHLEEN DENNEHY, COMMISSIONER
OF CORRECTION,**
By her attorney,

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